IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

LA. App. No. 1219 of 2002(D)

LAR.178/1998 of ADDL.SUB COURT, NORTH PARAVUR
.....

APPELLANT/RESPONDENT:

STATE OF KERALA

BY GOVERNMENT PLEADER SMT. K.R. DEEPA

RESPONDENTS/CLAIMANTS:
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1. **NARAYANAN, S/O. VELAYUDHAN, NADUVILA VEETTIL, AVANAMCODE (DIED).**

2. **OMANA W/O. NARAYANAN, NADUVILA VEETTIL OF DO.**

ADDL.3. VELAYUDHAN, FATHER OF 'A' CLAIMANT (DIED).

4. **SAUMINI D/O. NARAYANAN OF DO.**

5. **RAJANI D/O. NARAYANAN OF DO. DO.**

6. **DEVAKY D/O. VELAYUDHAN, DO. HOUSE AKAPARAMBU KARA, NEDUMBASSERY VILLAGE.**

7. **KOCHI INTERNATIONAL AIRPORT SOCIETY, REP.BY THE MANAGING DIRECTOR.**

BY ADV. SRI. VINOD RAVINDRANATH for R4,R5 & R6.
SRI. N.N. SUGUNAPALAN, SC, KIAS LTD for R7.
SMT. T.N. GIRIJA, SC, COCHIN I AIRPORT LT

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 17/09/2007, ALONG WITH L.A.A. NO. 292/2003, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 1219 OF 2002

&

L.A.A. NO. 292 OF 2003

Dated this the 17th day of September, 2007.

J U D G M E N T

Kurian Joseph, J.

L.A.A. No. 1219/2002 is an appeal filed by the State against the judgment and decree in L.A.R. No. 178/1998 on the file of Additional Sub Court, North Paravur. Acquisition is for the purpose of International Airport, Kochi.

2. When the appeal came up for hearing, it is brought to our notice that the requisitioning authority also has filed an appeal as L.A.A. No. 292/2003. Hence with the consent of the parties, the same is also called and disposed of by this judgment.

3. The reference court has fixed the land value at the rate of 96% over the land value fixed by the Land Acquisition Officer. In L.A.A. No. 412/2001 and connected cases, this Court has held that enhancement can only be to the extent of 45% over the value fixed by the Land Acquisition Officer.

Therefore, these appeals are partly allowed declaring that the claimants shall be entitled to enhancement of compensation

only to the extent of 45% over the value fixed by the Land Acquisition Officer along with all eligible statutory benefits. The judgment and decree will stand modified to the above extent.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NO. 1219 OF 2002
&
L.A.A. NO. 292 OF 2003

J U D G M E N T

17.09.2007